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PATENT COOPERATION TREATY

PCT/EP2003/010139



Translation

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Rec'd PCT/PTO

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Applicant's or agent's file reference P61.12PCT280	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2003/010139	International filing date (day/month/year) 12 September 2003 (12.09.2003)	Priority date (day/month/year) 26 November 2002 (26.11.2002)
International Patent Classification (IPC) or national classification and IPC F16C 25/08		
Applicant EBM-PAPST ST. GEORGEN GMBH & CO. KG		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☒ (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

- This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 23 January 2004 (23.01.2004)	Date of completion of this report 07 April 2004 (07.04.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2003/010139

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 1-7 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ 1-8 _____ received by this Authority on 23 January 2004 (23.01.2004)
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages _____ 1/8-8/8 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/10139

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-8	YES
	Claims		NO
Inventive step (IS)	Claims	1-8	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

2. Citations and explanations**1. Claim 1**

The subject matter of claim 1 differs from the closest prior art (see DE-A-4 202 153; figure 1) in that (see page 8, lines 18-21 of claim 1)

(K) "the securing element" (numbered "20" in DE-A-4 202 153) "is situated between the revolving bell and the proximal antifriction bearing".

This distinguishing feature makes it possible for the outer rotor 22 with the two antifriction bearings 52, 60, spacer piece 58 and spring element 48 to be introduced into the bearing support tube 70 axially from the side of the revolving bell 24. This allows the outer rotor 22 to be installed together with the revolving bell 24, whereas in DE-A-4 202 153, the outer rotor 14 cannot be installed together with the antifriction bearings, the distance sleeve 12 and the revolving bell.

The distinguishing feature (K) is also not known from the other cited prior art.

In light of this substantive matter, it can be assumed that the subject matter of claim 1 is not only novel, but also involves an inventive step (PCT Article 33(2) and (3)).

It should be noted that claim 1 has not been drafted in the two-part form (PCT Rule 6.3(b)(i) and (ii)). Proceeding from the closest prior art according to DE-A-4 202 153, the correct two-part form would include the aforementioned feature (K) in the characterizing part (PCT Rule 6.3(b)(ii)) and remaining features of claim 1 in the preamble (PCT Rule 6.3(b)(i)).

In addition, DE-A-4 202 153 has not been cited in the description, especially not in such a way that it is clear that DE-A-4 202 153 contains the features of the preamble of claim 1 (PCT Rule 6.3(b)(i) and (ii) and PCT Rule 5.1(a)(ii) and (iii)).

2. Claims 2 to 6

These claims describe embodiments of the subject matter of claim 1 and the subjects of claims 2 to 6 are therefore also novel and involve an inventive step.

3. Claim 7

Features a), b) and c) of claim 7 are not known from the available prior art, in particular not feature a), which corresponds to the feature (K) specified in point 1, and can therefore substantiate an inventive step.

In light of this substantive matter, the method according to claim 7 is also novel and involves an inventive step (PCT Article 33(2) and (3)).

4. Claim 8

Since claim 8 is dependent on claim 7, the subject matter of claim 8 is also novel and involves an inventive step taking into account the comments made regarding claim 7.